

Response

A. Introduction

Claims 1-13 remain pending in the application. The Examiner has withdrawn claims 9-11 from consideration as directed to a non-elected invention. He has initially rejected the remaining claims under 35 U.S.C. § 102(e), contending their subject matter is anticipated by International Patent Publication No. WO 03/013903 of Virgin Atlantic Airways Ltd. (the “Virgin Atlantic application”). According to the Examiner, the claims also are objectionable under 35 U.S.C. § 112 because, purportedly, of Applicants’ use of the word “it” in claim 1.

B. Section 102(e) Rejection

Title 35, section 102(e)(1) of the United States Code recites:

A person shall be entitled to a patent unless . . . the invention was described in . . . an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) [of title 35] shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language . . .

The Virgin Atlantic application, filed under the Patent Cooperation Treaty defined in 35 U.S.C. § 351(a), was published February 20, 2003. As indicated in the Declaration of Adrianus W.N. Ruiter attached hereto behind Tab A, the subject matter of at least claims 1-8 and 12-13 was invented prior to publication of the Virgin Atlantic application. Thus, for at least this reason the Virgin Atlantic application does not

qualify as prior art under 35 U.S.C. § 102(3)(1), and Applicants accordingly request that the Examiner's initial rejection be withdrawn.*

C. Section 112 Rejection

According to the Examiner, Applicants' use of the word "it" in claim 1 somehow renders the pending claims vague and indefinite, contrary to 35 U.S.C. § 112. Applicants believe claim 1 is grammatically correct and sufficiently definite to comply with section 112. Nevertheless, Applicants have replaced "it" with its antecedent "the passenger seating unit" in the claim. Applicants thus request that this rejection of the Examiner be withdrawn as well.

Conclusion

Applicants request that the Examiner allow claims 1-9 and 12-13 and that a patent containing these claims issue in due course.

Respectfully submitted,



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*Because the Virgin Atlantic application does not qualify as prior art to any of the pending claims, there is no need for Applicants to address the Examiner's contentions as to the supposed disclosure of the Virgin Atlantic application. Applicants do not concede the correctness of any of the Examiner's contentions, however.